

October 2005



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l'agriculture

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Item 6 of the Draft Provisional Agenda

COMMISSION ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE

Open-Ended Working Group on the Rules of Procedure and the Financial Rules of the Governing Body, Compliance, and the Funding Strategy

Rome, 14 – 17 December 2005

THE GLOBAL CROP DIVERSITY TRUST: AN UPDATE ON DEVELOPMENTS AND PROPOSALS FOR APPOINTING THE EXECUTIVE BOARD

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For reasons of economy, this document is produced in a limited number of copies. Delegates and observers are kindly requested to bring it to the meetings and to refrain from asking for additional copies, unless strictly indispensable.
The documents for this meeting are available on Internet at www.fao.org/ag/cgrfa/meetings.htm.

INTRODUCTION

1. The Interim Committee has welcomed the establishment of the Global Crop Diversity Trust as an essential element of the Treaty's Funding Strategy. The Trust has kept the Interim Committee informed of developments, and a further progress report is available to the Open-ended Working Group, for information,¹ including on matters that will need to be dealt with by the Governing Body at its First Session.
2. The progress report of the Global Crop Diversity Trust is set out in the *Appendix* to this document.

¹ Available on the internet at <http://www.fao.org/ag/cgrfa/meetings.htm>.

APPENDIX

The Global Crop Diversity Trust: an Update on Developments and Proposals for Appointing the Executive Board

Overview

1. The Global Crop Diversity Trust is being established within the framework of the *International Treaty on Plant Genetic Resources for Food and Agriculture*, as an element of the Treaty's funding strategy. The Trust will operate under the policy guidance of the Governing Body of the Treaty as an independent international fund whose goal is to support the efficient and effective *ex situ* conservation of crop diversity over the long term. At its centre is an endowment that will provide a permanent source of funding for important crop diversity collections around the world. The intention is to raise a minimum of USD 260 million from governments, corporations, foundations, non-governmental organizations and individuals. The success of the Trust will greatly enhance agricultural research and assure the viability of crop collections into the future. The Trust will promote and assist the development of an effective global arrangement for crop diversity conservation and will provide technical and capacity building assistance to eligible collections, particularly those in developing countries that seek to meet the Trust's criteria for long-term funding. The Executive Board is the body legally responsible for the Trust and it is intended that it will be established in 2006. A process for appointing the members of the Executive Board has been proposed by the Interim Panel of Eminent Experts.

Introduction

2. The Global Crop Diversity Trust was presented to the Ninth Regular Session of the Commission on Genetic Resources for Food and Agriculture in October 2002. The Commission supported the initiative and requested that progress be reported at sessions of its Intergovernmental Technical Working Group on Plant Genetic Resources for Food and Agriculture². The Commission noted that the Trust was being established to "*provide, in perpetuity, a flow of funds for ex situ conservation by national and international institutions, and for relevant capacity-building*" and that it "*would operate in the framework of the International Treaty, and be an essential element of its Funding Strategy.*" The Commission expressed the hope that the Trust would "*attract new and additional funds from a wide-range of donors*" and "*stressed the need for the Governance of the Trust to work in a transparent and efficient manner*".

3. At the Tenth Regular Session of the Commission on Genetic Resources for Food and Agriculture, Rome, Italy, 8–12 November 2004, the Chairman of the Trust's interim Executive Board (the Interim Panel of Eminent Experts) - Ambassador Fernando Gerbasi - informed the Commission that the Global Crop Diversity Trust had been legally established as an independent international organization on 21 October, 2004. He stated that the development of regional and crop conservation strategies, on which the allocation of the Trust's resources would be based, was well underway and that a few initial grants had already been awarded.

² *Report of the Commission on Genetic Resources for Food and Agriculture*, Ninth Regular Session, Rome, 14-18 October 2002, para. 49-50 and Annex F.

4. The Second Meeting of the Commission on Genetic Resources for Food and Agriculture acting as Interim Committee for the International Treaty on Plant Genetic Resources for Food and Agriculture, Rome, Italy, 15–19 November 2004, recommended that “*the Governing Body of the International Treaty should, at its first meeting, formalise its relationship with the Trust, so that the Trust operates as an element of the Funding Strategy of the International Treaty.*” A draft ‘Relationship Agreement’ has been prepared by the Interim Panel of Eminent Experts and can be found at: <http://www.startwithaseed.org/items/governance.php?itemid=162>

Some recent developments

5. The Agreement to Establish the Global Crop Diversity Trust had, as of July 2005, been signed by 20 countries from six of the seven regions recognized in the Basic Texts of FAO³.

6. As of July 2005, the Trust had received pledges of funding amounting to approximately USD 56 million from developed and developing country governments, private foundations, corporations, a farmers’ organization and several individuals. Approximately USD 24 million of the pledged amount has been received for the endowment fund and has been invested. Further donations are under active consideration by a number of other donors.

7. The Trust is supporting the development of conservation strategies on a regional and crop basis. The strategies will identify the plant genetic resources of greatest importance nationally, regionally and internationally and propose cooperative mechanisms for their efficient and effective conservation. The strategies are being developed through a highly consultative process involving regional and crop networks, collection holders, experts and other stakeholders. The Trust will allocate resources to collections and conservation activities based on the priorities identified in these strategies. The development of all the regional strategies is well underway⁴ and these are expected to be completed by the end of 2005 or in early 2006. Crop conservation strategies, covering the crops included in Annex 1 of the *International Treaty*, will be completed by the end of 2006 or early in 2007. The development of many of the crop strategies has already been initiated.

8. While strategy development is still in progress, it has nevertheless already been possible to identify a number of high priority plant genetic resources eligible for support from the Trust. Thus, in late 2004 and early 2005, the Trust was able to make its first six awards for upgrading collections and building the capacity of genebanks. Grants have been made to: the Vavilov Institute, Russia (for regeneration of field crop collections); Southern African countries (for increasing seed drying capacity and training); Kazakhstan and Turkmenistan (for rejuvenation of apple field collections); the Africa and Indian Ocean International Coconut Collection, Cote d’Ivoire (for rejuvenation of the coconut field collection); Malaysia and IRRI, Philippines, (for an international rice documentation system); and the Central Asia and Caucasus countries (development of a regional information system). Further projects arising from the early development of the regional strategies are also under consideration for funding by the Trust in a number of other countries and regions.

³ Countries that have signed the Establishment Agreement as of July 2005 are: Cambodia, Cameroon, Cape Verde, Colombia, Ecuador, Egypt, Ethiopia, Mali, Jordan, Mauritius, Kingdom of Morocco, Pakistan, Peru, Romania, Serbia and Montenegro, Sweden, Syrian Arab Republic, Samoa, Togo and Tonga

⁴ Conservation strategies are being developed for: the Americas, West and Central Africa, Eastern Africa, Southern Africa, West Asia and North Africa, Central Asia and the Caucasus, South, Southeast and East Asia, the Pacific and Oceania, and Europe.

9. The Interim Executive Secretary, Dr. Geoff Hawtin, retired at the end of July, 2005 and, following an extensive international search, Dr. Cary Fowler has been appointed to take over as Executive Secretary from the beginning of August.

Establishment of the Executive Board of the Trust

10. At the request of the Commission, acting as the Interim Committee of the International Treaty, the Interim Panel of Eminent Experts has agreed to continue to govern the Trust until an Executive Board has been established in accordance with the Trust's constitution. A list of the 11 members of the Interim Panel of Eminent Experts, which were appointed by the Directors General of FAO and IPGRI, is given in Annex 1.

11. It is planned that the Executive Board be established in 2006 to take over responsibility for the Trust from the Interim Panel of Eminent Experts. The Interim Panel has proposed a process and timetable for the various bodies concerned to make their appointments and to conduct the necessary consultations to help ensure that the Executive Board is well balanced and includes among its membership individuals of high international standing having a mix of relevant experience and expertise. The proposal of the Interim Panel of Eminent Experts is given in Annex 2.

Annex I**MEMBERS OF THE INTERIM PANEL OF EMINENT EXPERTS**

Ambassador Fernando Gerbasi (*Venezuela*)

- Chair of the Interim Committee for the implementation of the International Treaty

Andrew Bennett (*United Kingdom*)

- Executive Director, the Syngenta Foundation for Sustainable Agriculture

Lukas Brader (*The Netherlands*)

- Former Director General, International Institute of Tropical Agriculture (IITA), Nigeria

Lewis Coleman (*United States*)

- President, Gordon and Betty Moore Foundation

Tewolde Gebre Egziabher (*Ethiopia*)

- General Manager, Environmental Protection Authority, Ethiopia

Cary Fowler (*United States*)

- Interim Executive Secretary, the Global Crop Diversity Trust

Walter Fust (*Switzerland*)

- Director General, Swiss Agency for Development and Cooperation

Chebet Maikut (*Uganda*)

- President, Uganda National Farmers Federation (UNFFE)
- Chair, International Federation of Agricultural Producers (IFAP) Committee on Science and Technology

Mohammad H. Roozitalab (*Iran*)

- Deputy Director General, Agricultural Research and Education Organization, Iran

Setijati Sastrapradja (*Indonesia*)

- Senior Scientist, Indonesian Institute of Sciences

Ismail Serageldin (*Egypt*)

- Director, New Library of Alexandria, Egypt

Annex 2

Procedures for the Appointment of Members of the Executive Board of the Global Crop Diversity Trust

Introduction

The Executive Board is the legal decision making authority of the Global Crop Diversity Trust, and a vital component of its capacity to deliver. Article 5 of the Constitution of the Trust provides for the composition of the Executive Board. Four Members, at least two of whom are to be from developing countries, are to be appointed by the Governing Body of the Treaty. A further four Members, at least one of whom is to be from a developing country, are to be appointed by the Donors' Council. The Director-General of FAO and the Chair of the Consultative Group on International Agricultural Research are to appoint one Member each. The Executive Secretary is to be an *ex officio* member and the Board may co-opt a further two members. Paragraph (2) of Article 5 provides that “[b]efore making their appointments, the parties appointing members of the Executive Board shall consult with each other and with the Executive Board with a view to ensuring that the Executive Board has the balance and the range of skills necessary for it to perform its functions effectively.” The present document, prepared by the Interim Panel of Eminent Experts, suggests possible ways in which such consultations may be held and appointments made by the parties concerned. Issues regarding the profile of the Executive Board and the staggering of terms are dealt with in Appendix 1 to this document. The relevant provisions of the Constitution of the Trust are attached as Appendix 2.

Considerations relating to the appointment procedures

1. The Executive Board of the Trust is the highest policy organ of the Trust and exercises important functions with respect to the direction of the Trust. To a large extent the success of the Trust will depend on the effectiveness of the Executive Board. The effectiveness of the Executive Board in turn will depend to a large extent on the stature and competence of the members of the Executive Board and the extent to which they bring together the necessary coverage of technical, financial, legal, political and other skills.
2. The consultation process envisaged in Article 5(2) of the Constitution must necessarily be spread over a period of time if competent persons of high standing are to be sought out and a proper balance of expertise and experience is to be achieved.
3. Once suitable persons are identified, their willingness to serve as members of the Executive Board must be ascertained before their candidatures can be put forward.
4. The selection and appointment procedures should be designed to avoid unnecessary public embarrassment to unsuccessful candidates for membership of the Executive Board.

5. The identification and evaluation of candidates and the balancing of skills amongst Members may call for discussions in smaller groups with delegated powers. However, the appointment of Members of the Executive Board should, wherever possible, be a function of the highest body of the appointing party.
6. In view of logistical time constraints, it may be necessary to consider interim selection and appointment procedures for the first Members of the Executive Board.

Normal Selection and Appointment Procedures

The following procedures are suggested for the selection and appointment of Members of the Executive Board:

1. The Governing Body of the Treaty, at its regular session, should empower the Bureau to oversee the process of selection of candidates for appointment by the Governing Body to fill vacancies in the Board, including foreseen vacancies that will occur during the intersessional period, e.g. the appointment of members whose term will commence only at the beginning of the second year of the intersessional period. Alternatively the Governing Body could appoint a separate selection committee of restricted membership to oversee this process.
2. The Governing Body, during its regular session, may wish to decide on the procedures by which potential candidatures may be brought to the attention of the selection committee, e.g. by calling for nominations by individual Contracting Parties.
3. The Donors' Council should appoint a selection committee prior to or during the regular session of the Governing Body.
4. An initial meeting of the joint Bureau/selection committees, with the participation of one member each nominated by the Director-General of FAO and the Chair of the Consultative Group on International Agricultural Research, and the Executive Secretary, should be scheduled during the course of the Regular session of the Governing Body, to discuss questions of procedure and balance of skills.
5. The individual Bureau/selection committees should be invited to hold such sessions as may be necessary to agree upon their own candidates for nomination to the Executive Board.
6. A second session of the joint Bureau/selection committees, with participation as above, should be held as appropriate during the intersessional period to agree upon a joint and balanced slate of candidates to fill vacancies in the Executive Board.
7. The appointments should be made by the Governing Body at its next regular session and by the Donors' Council and other appointing parties prior to or at that regular session.
8. At its regular session the Governing Body should also agree upon a method for filling unforeseen vacancies that may arise during the intersessional period, for reasons such as retirement, death, incapacity or other such reasons. Such a method could involve, for example, the delegation of powers to appoint such replacements for members appointed by the Governing Body, to the Bureau of the Governing Body.

9. The appointment of two additional Members by the Executive Board to ensure overall balance amongst its membership should take place after the appointments by the other appointing parties are known.

Interim Selection and Appointment Procedures

Due to logistical constraints, including the heavy agenda expected at the First meeting of the Governing Body, it may be necessary to envisage a somewhat curtailed procedure for the selection and appointment of the first members of the Executive Board to be appointed by the Governing Body. One possible way could be for the Governing Body to appoint its selection committee during the course of its first session, to allow for the consultation procedures outlined above, but to delegate the power of appointment to the Bureau of the Governing Body. In such a way, the appointment of the four members of the Executive Board by the Governing Body could be accomplished within a maximum period of six months following the end of the first session of the Governing Body.

Conclusions and recommendations

The Governing Body, the Donors' Council and the other appointing authorities are invited to consider the above suggestions and to decide upon procedures for the selection and appointment by the Governing Body of its Members of the Executive Board.

Appendix 1

Profile of the Executive Board of the Global Crop Diversity Trust and the Staggering of Terms

This Annex provides guidelines on the desired profile of the Executive Board and proposes a scheme for staggering the terms of appointment of its members in order to ensure continuity. The Annex is intended to help guide the Governing Body of the International Treaty, the Donor Council, the Director General of FAO and the Chair of the CGIAR in making their initial appointments to the Executive Board.

Balance of skills, backgrounds and experience

The Executive Board should comprise individuals of international stature and indisputable integrity, who have a proven capacity to deliver results. In addition to its responsibility for the policy and overall management of the Trust, the Executive Board's main functions include providing assistance to the Trust's fundraising efforts. It is thus critical that the members of the Executive Board be eminent personalities in their own right, well recognized internationally, and that they can open doors to influential individuals in the government and private sectors. While the Board as a whole will need to have an appreciation of the issues relating to plant genetic resources, technical expertise will be available to the Board through its technical committees. The Board members should be drawn from various sectors of society including, *inter alia*, government, private corporations, civil society – including farmers' organizations - philanthropic foundations, science and academia, and the media.

In order to carry out its functions effectively, the Executive Board not only needs high-profile members, but also needs to include a broad mix of skills and backgrounds among its membership. This is not designed to duplicate expertise already available within the Secretariat and its partners, but to add the appropriate international stature and provide high-level advice. While not all areas of expertise can be covered within a Board comprising 11 or 13 members, it is proposed that consideration be given to appointing individuals that have experience and expertise in one or more of the following areas:

- Fundraising
- Investment and financial management
- Grant-making
- *Ex situ* conservation and use of plant genetic resources
- Plant genetic resources policy
- Environment and development
- Communications and public awareness
- Legal matters
- Organizational management including planning, monitoring and evaluation

The Executive Board also needs to have a good mix of different social and cultural backgrounds. This is important for its effectiveness and for maintaining the confidence of a wide range of stakeholders, South and North, including those that own, maintain or use plant genetic resources as well as those who donate funds. Thus, to the extent possible, there should be an attempt to achieve a good balance of people from countries in different stages of development, geographic regions and gender.

Staggering of terms

The Executive Board members appointed by the Governing Body of the International Treaty and the Donors' Council will normally be appointed for a first term of three years, renewable for a second three-year term. However, Article 5(5) of the Constitution states:

To ensure continuity of policies and operations, the terms of members of the Executive Board shall be staggered. Members of the initial Board shall be appointed for such terms as the Interim Panel of Eminent Experts shall determine.

Pursuant to Article 5(5) of the Constitution, the Interim Panel of Eminent Experts hereby determines that the initial terms of membership be staggered as follows:

- One of the four members appointed by the Governing Body of the International Treaty and one of the four members appointed by the Donor Council be given a term of one year, followed by a second three-year term;
- One of the four members appointed by the Governing Body of the International Treaty and one of the four members appointed by the Donor Council be given a term of two years, followed by a second three-year term; and
- Two the four members appointed by the Governing Body of the International Treaty and two of the four members appointed by the Donor Council be given terms of three years, with one of the two in each case being non-renewable and the other given a second three-year term.

Under such an arrangement, there would be continuity for the first three years, after which there would be a regular turnover.

Appendix 2

Relevant provisions of the Constitution of the Trust

Article 5. The Executive Board

(1) The Executive Board shall consist of the following members:

(a) Four members, at least two of whom shall be from developing countries, appointed by the Governing Body of the International Treaty or, prior to the entry into force of the International Treaty, the FAO Commission on Genetic Resources for Food and Agriculture acting as Interim Committee for the International Treaty;

(b) Four members, at least one of whom shall be from a developing country, appointed by the Donors' Council;

(c) One member appointed by the Director-General of the Food and Agriculture Organization of the United Nations (hereinafter referred to as "FAO") who shall operate in a technical capacity only and shall not have the right to vote;

(d) One member appointed by the Chair of the Consultative Group on International Agricultural Research (hereinafter referred to as the "CGIAR") who shall operate in a technical capacity only and shall not have the right to vote;

(e) The Executive Secretary of the Trust as a member *ex officio*;

(f) The Executive Board may appoint two additional members to ensure overall balance amongst its membership, in particular with regard to diversity in disciplinary backgrounds, geographical representation, gender, and competence in fundraising and financial management.

(2) Before making their appointments, the parties appointing members of the Executive Board shall consult with each other and with the Executive Board with a view to ensuring that the Executive Board has the balance and the range of skills necessary for it to perform its functions effectively.

(3) Subject to paragraph (5), and with the exception of the member appointed by the Director General of FAO under Article 5 (1) (c), the member appointed by the Chair of the CGIAR under Article 5(1)(d), whose term shall be decided by the Chair of the CGIAR, and the Executive Secretary, who shall serve during the Term of his/her office as Executive Secretary, members of the Executive Board shall serve for terms of no more than three years as determined by the Executive Board. Vacancies among members by reason of retirement, death, incapacity, or any other cause shall be filled in the same manner as the original nomination and appointments. A new member appointed to replace a member during the latter's term may be appointed for the remaining term of the member being replaced or for some other term of no more than three years.

(4) Members of the Executive Board are eligible for reappointment to a second term, but shall not serve more than two successive terms, except that the member elected as Chairperson may have her/his term extended by the Executive Board, provided that he or she shall serve for no more than eight consecutive years on the Executive Board.

(5) To ensure continuity of policies and operations, the terms of members of the Executive Board shall be staggered. Members of the initial Board shall be appointed for such terms as the Interim Panel of Eminent Experts shall determine.

(6) The members of the Executive Board shall serve in a personal capacity, except for the Executive Secretary who will be a member *ex officio*, the member appointed by the Director General of FAO under Article 5(1)(c) and the member appointed by the Chair of the CGIAR under Article 5(1)(d).